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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,102

10/05/2004

Chi-Duc Nguyen

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7590

05/02/2006

FOLEY AND LARDNER LLP  
SUITE 500  
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WASHINGTON, DC 20007

EXAMINER

FLANIGAN, ALLEN J

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,102	NGUYEN, CHI-DUC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allen J. Flanigan	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-6, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Siler.

Please see the comments made in regard to the above rejection in the previous Office action. The language added to claim 1 fails to distinguish over Siler. The word "interrupt" is defined as "to break the uniformity or continuity of"<sup>1</sup>. The notches 42, 44 of Siler clearly break the uniformity of the side legs 34, 36, and thus clearly constitute "interruptions" within a reasonably broad definition of the term.

Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by Uchikawa et al., or, in the alternative, under 35 U.S.C. 103(a) as obvious over Uchikawa et al. in view of Springer.

Please see the comments made in regard to the above rejection in the previous Office action.

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<sup>1</sup> Merriam-Webster Online Dictionary.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siler.

Siler teach a web thickness of 1.6mm, but explicitly indicate that "other values may be utilized". It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to reduce this thickness slightly to slightly increase the flexibility of the side brace for better dealing with thermal stress.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siler in view of Richardson.

Richardson shows stress relief interruptions similar to those of Siler which, in some embodiments, involve the complete severing of the side edge (bent) of the side brace. It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to form complete interruptions in the side edges of Siler if more complete elimination of differential stress caused by thermal cycling were desired.

Applicant's arguments filed 2/28/2006 have been fully considered but they are not persuasive or are moot in view of the new grounds of rejection.

The amendments to claim 1 have been addressed above. Regarding claim 2, the fact that Uchikawa et al. does not identify the area provided with slits as a "breaking area" is immaterial. Any brace which has substantial

material removed in the form of a notch or slit will inherently preferentially fracture at that location, as pointed out previously. Regarding Springer, the fact that they indicate that the slots can supplement the corrugations does not detract from the conclusion that the reference establishes these techniques as equivalent means to provide flexibility in side braces for compensating thermal stress.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone

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number is (571) 272-4910. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Allen J. Flanigan  
Primary Examiner  
Art Unit 3753

AJF